

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

REX ALLEN MOORE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:22-cv-363-TAV-DCP
	)	
BILL LEE, in his official capacity;	)	
FRANK STRADA, in his official capacity;	)	
and LINDSAY DELORGE, in her	)	
individual capacity,	)	
	)	
Defendants.	)	

**ORDER**

This civil matter is before the Court on plaintiff's pro se motions for summary judgment [Doc. 43] and to temporarily stop all docket filing [Doc. 48]. The Court stayed this case [Docs. 42, 47] pending the Sixth Circuit's ruling in *Doe v. Lee*, 102 F.4th 330 (6th Cir. 2024), the mandate for which was issued on August 21, 2024 [Doc. 49-1]. Defendants timely filed a status report with a proposed schedule [Doc. 49]. Defendants indicate that plaintiff has been unresponsive to their status report letter dated September 13, 2024 [*See* Doc. 49-2]. Given that the time for responding to each of these matters has passed, they are all ripe for the Court's review. *See* E.D. Tenn. L.R. 7.1(a).

In light of the Sixth Circuit's mandate, the **STAY** in this case is hereby **LIFTED**. Defendants **SHALL** serve a responsive pleading to plaintiff's complaint **within 21 days of this Order** pursuant to Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff's motion for summary judgment [Doc. 43] is **DENIED** as premature given that defendants have yet to file a responsive pleading, the Court has not yet entered a

Scheduling Order governing discovery, and the Sixth Circuit had yet to issue its opinion in *Doe*, 102 F.4th at 330. *See Purkey v. Am. Home Assur. Co.*, No. 3:04-CV-331, 2004 WL 3237536, at \*1 (E.D. Tenn. Dec. 18, 2004) (denying as premature pending motions for summary judgment where the parties’ awaited a certified question before the Tennessee Supreme Court). To the extent plaintiff’s second motion seeks to forestall further docket filings in this case, the Court interprets his request as one for an extension of stay [*See Doc. 48*, p. 1]. “But ‘a court must tread carefully in granting a stay of proceedings, since a party has a right to a determination of its rights and liabilities without undue delay.’” *Doe v. Lee*, No. 3:21-cv-10, 2023 WL 2904575, at \*4 (E.D. Tenn. Apr. 11, 2023) (quoting *Ohio Env’t Couns. v. U.S. Dist. Ct., S. Dist. of Ohio, E. Div.*, 565 F.2d 393, 396 (6th Cir. 1977)). The Court finds that an extended stay of this case is unwarranted, particularly given that defendants—not plaintiff—are obligated to file the next pleading in this case. Accordingly, plaintiff’s motion [*Doc. 48*] is **DENIED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE